

Public Notice

U.S. Army Corps of Engineers, Norfolk District

11/18/2005

CENAO-TS-REG
05-V2544

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Commander Navy Region Mid-Atlantic
Environmental Group Code N45
1510 Gilbert St
Norfolk, VA 23511

WATERWAY AND LOCATION OF THE PROPOSED WORK: The Navy proposes to modernize the magnetic silencing range in the Norfolk Harbor navigation channel at Sewells Point, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to use a hydraulic air-lift mounted on a crane-lift to remove 13,000 cubic yards of pea gravel cover from buried cables and sensors in two areas, a total of 64,250 square feet, replace and upgrade hardware, and recover the range, and install a new 5,750-foot cable to shore by ploughing into the harbor bottom. The existing pea gravel would be re-deposited in the vicinity of the cable array, with no expected change to the bottom elevation. About 17,000 cubic yards of new pea gravel would be used to refill the cable trenches and sensor locations.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral

needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

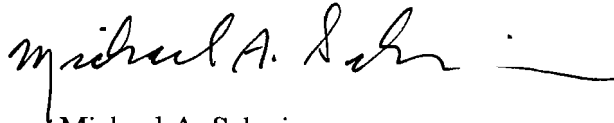
Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The James River contains Essential Fish Habitat (EFH) for the egg, larvae, juvenile, and adult life stages of 11 species including windowpane flounder (*Scopthalmus aquosus*), Atlantic butterfish (*Peprilus triacanthuslupe*), bluefish (*Pomatomus saltatrix*), summer flounder (*Paralichthys dentatus*), black sea bass (*Centropristus striata*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), red drum (*Sciaenops ocellatus*), dusky shark (*Charcharinus obscurus*), sandbar shark (*Charcharinus plumbeus*). The habitat which this project would affect consists of pea gravel covered subaqueous bottom. The proposed project is described in Proposed Work and Purpose, above. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: John Evans CENAO-TS-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on December 19, 2005.

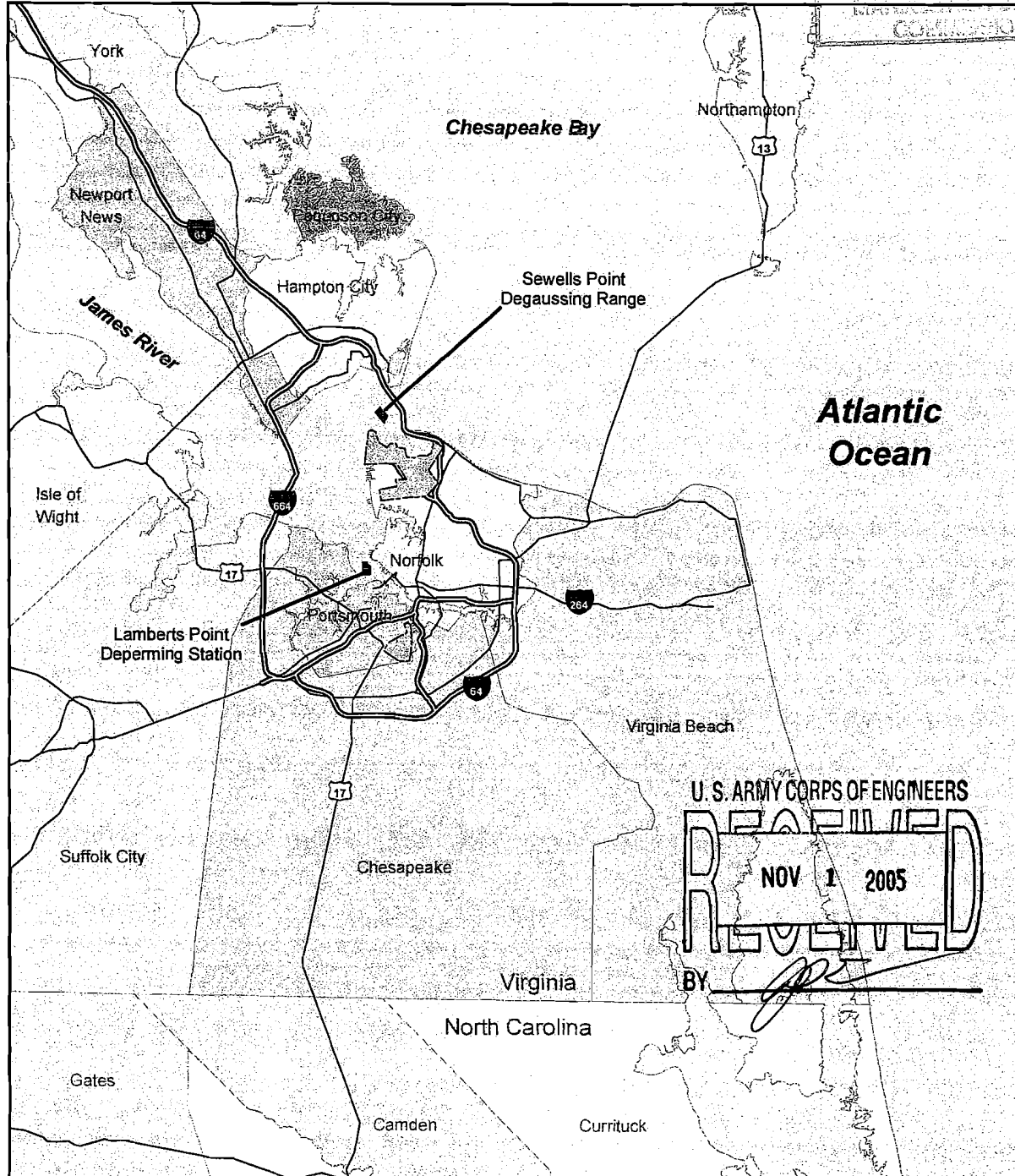
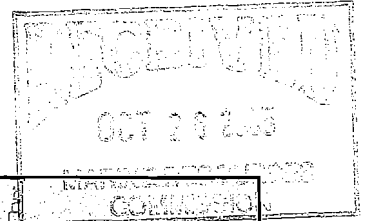
If you have any questions about this project or the permit process, please email John Evans at john.d.evans@usace.army.mil or call 757.201.7794.

FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "Michael A. Schwinn", with a horizontal line extending to the right.

Michael A. Schwinn
Chief, Western Virginia Regulatory Section

Attachment: Site Location, Sewells Point Range



U.S. ARMY CORPS OF ENGINEERS
RECEIVED
 NOV 1 2005
 BY *[Signature]*



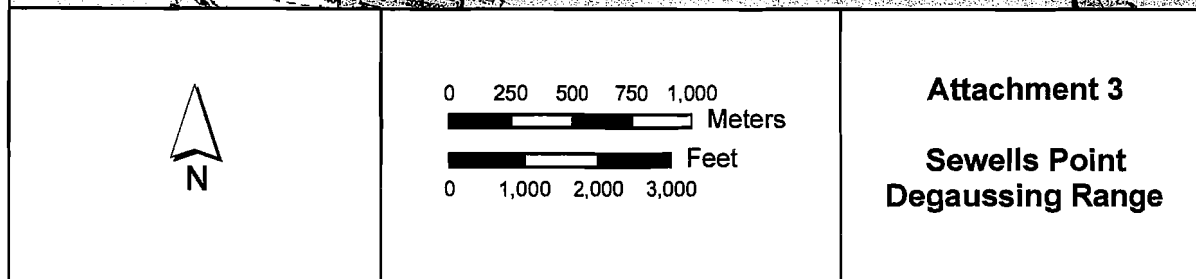
0 2 4 6 8 10
 Kilometers
 0 1 2 3 4 5 6 7 8 9 10
 Miles

Attachment 1

**Regional Location
 Norfolk Magnetic
 Silencing Facility**

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Source: NOAA, 2003.



Sewells Point Degaussing Range